

Aug. 15

Aug. 15

FOREIGN RELATIONS ACT

P.L. 95-105

donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949. However, no gift or decoration that has been deposited for disposal may be sold without the approval of the Secretary of State, upon a determination that the sale will not adversely affect the foreign relations of the United States. Gifts and decorations may be sold by negotiated sale.

40 USC 471 note.

"(f) (1). Not later than January 31 of each year, each employing agency or its delegate shall compile a listing of all statements filed during the preceding year by the employees of that agency pursuant to subsection (c) (3) and shall transmit such listing to the Secretary of State who shall publish a comprehensive listing of all such statements in the Federal Register.

List, transmittal to Secretary of State. Publication in Federal Register.

"(2) Such listings shall include for each tangible gift reported—

Contents.

- "(A) the name and position of the employee;
- "(B) a brief description of the gift and the circumstances justifying acceptance;
- "(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift;
- "(D) the date of acceptance of the gift;
- "(E) the estimated value in the United States of the gift at the time of acceptance; and
- "(F) disposition or current location of the gift.

"(3) Such listings shall include for each gift of travel or travel expenses—

- "(A) the name and position of the employee;
- "(B) a brief description of the gift and the circumstances justifying acceptance; and
- "(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift.

"(4) In transmitting such listings for the Central Intelligence Agency, the Director of Central Intelligence may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.

CIA list, deletions.

"(g) (1) Each employing agency shall prescribe such regulations as may be necessary to carry out the purpose of this section. For all employing agencies in the executive branch, such regulations shall be prescribed pursuant to guidance provided by the Secretary of State. These regulations shall be implemented by each employing agency for its employees.

Regulations.

"(2) Each employing agency shall—

- "(A) report to the Attorney General cases in which there is reason to believe that an employee has violated this section;
- "(B) establish a procedure for obtaining an appraisal, when necessary, of the value of gifts; and
- "(C) take any other actions necessary to carry out the purpose of this section.

"(h) The Attorney General may bring a civil action in any district court of the United States against any employee who knowingly solicits or accepts a gift from a foreign government not consented to by this section or who fails to deposit or report such gift as required by this section. The court in which such action is brought may assess a penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus \$5,000.

Civil actions. Jurisdiction.

Penalty.

P.L. 95-105

LAWS OF 95th CONG.—1st SESS.

Aug. 15

PUBLIC L

"(i) The President shall direct all Chiefs of a United States Diplomatic Mission to inform their host governments that it is a general policy of the United States Government to prohibit United States Government employees from receiving gifts or decorations of more than minimal value.

"(j) Nothing in this section shall be construed to derogate any regulation prescribed by any employing agency which provides for more stringent limitations on the receipt of gifts and decorations by its employees.

"(k) The provisions of this section do not apply to grants and other forms of assistance to which section 108A of the Mutual Educational and Cultural Exchange Act of 1961 applies."

22 USC 2458.
Effective date.
5 USC 7342 note.
Gifts, purchase
limitation.
22 USC 2694.

(2) The amendment made by paragraph (1) of this subsection shall take effect on January 1, 1978.

(b) (1) After September 30, 1977, no appropriated funds, other than funds from the "Emergencies in the Diplomatic and Consular Service" account of the Department of State, may be used to purchase any tangible gift of more than minimal value (as defined in section 7342(a)(5) of title 5, United States Code) for any foreign individual unless such gift has been approved by the Congress.

Report,
transmittal to
Speaker of the
House and Senate
committee.

(2) Beginning October 1, 1977, the Secretary of State shall annually transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report containing details on (1) any gifts of more than minimal value purchased with appropriated funds which were given to a foreign individual during the previous fiscal year, and (2) any other gifts of more than minimal value given by the United States Government to a foreign individual which were not obtained using appropriated funds.

Approved August 17, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS No. 95-231 (Comm. on International Relations) and No. 95-537 (Comm. of Conference).

SENATE REPORT No. 95-194 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 4, considered and passed House.

June 16, considered and passed Senate, amended.

July 28, Senate agreed to conference report.

Aug. 3, House agreed to conference report.

91 STAT. 866

AUTHOR
INTE

For

An Act to authorize
Commission, to
Commission, a

Be it enacted by
United States of

SECTION 1. AUTHO
Subsection (e)

1330(e)) is amend
(1) by inse
(2) by addi

"(2) There are :
necessary expense
\$11,522,000.

"(3) There are
for each fiscal year
amount authorized
as may be necess
retirement, and of

SEC. 2. APPOINTM

(a) Subsection
U.S.C. 1330) is am

"(c) CHAIRMAN

"(1) The chair
be designated by t
mission not ineli
President shall n
paragraph.

"(2) After Jun
vice chairman of t

"(A) The
begin on Jun

"(B) Each
the closing d
end at the cl

"(3) (A) The I
Commission for a

"(i) either
to the Comm
for which the

"(ii) any c
of which the
preceding ter

"(B) The Pres
Commission for

political party of

"(C) If any co
or vice chairman
as a commissioner
the President sha

STAT

STAT